

## **PLANNING COMMITTEE – 15 FEBRUARY 2022**

<b>Application No:</b>	<b>21/02484/FULM (MAJOR)</b>	
<b>Proposal:</b>	<b>Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping</b>	
<b>Location:</b>	<b>Former Newark Livestock Market Unit 1 Great North Road Newark On Trent</b>	
<b>Applicant:</b>	<b>Lincoln College Group - Mr Nick Pettit</b>	
<b>Agent:</b>	<b>Stem Architects - Mr William Silby</b>	
<b>Documents:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/02484/FULM">21/02484/FULM   Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping.   Former Newark Livestock Market Unit 1 Great North Road Newark On Trent (newark-sherwooddc.gov.uk)</a>	
<b>Registered:</b>	<b>25<sup>th</sup> November 2022</b>	<b>Target Date: 24<sup>th</sup> February 2022</b>

**The application is being referred to Planning Committee Newark and Sherwood District Council are the landowner.**

### The Site

The 0.86Ha application site relates to part of the site on which the Newark Livestock Market was located (demolition consented under application no. 21/00247/DEM) including land to its rear and frontage which contains a public car park (still in operation). The single storey, steel framed Newark Livestock Market building including cattle pens and a residential dwelling to its frontage (formerly known as Andreas consented for demolition under application no 21/00246/DEM) have recently been demolished and the site cleared. Heras fencing is currently positioned around the wider site.

The site is located within Newark Urban Area. Great North Road (B6326) runs in a north-south direction to the south west of the site. Newark and Sherwood District Council (NSDC) offices and parking areas are located to the south east and Newark Lorry Park is located to the north and north west. The nearest residential dwellings are located on the other side of Great North Road to the south of the site (Midland Terrace).

The site is not located within Newark Conservation Area (CA) albeit the CA boundary follows the route of the railway line to the south of the site. Within the CA are a number of Listed Buildings which are visible from the application site including the Former Station Masters House and

Railway Station building which are both Grade II Listed to the south of the site and a Grade II Listed culvert located to the south west of the site (adjacent to Great North Road). The spire of Grade I Listed St Mary Magdalene Church spire and Newark Castle which is also a Scheduled Ancient Monument are also visible in close proximity to the site.

To the north west of the site on the opposite side of Great North Road is an allocated employment site (Policy NUA/E/4).

The site is located within Flood Zone 2 with a 1 in 100 annual probability of river flooding (medium probability) as identified by the Environment Agency (EA) flood maps. The old Trent Dyke flows along part of the east boundary of the site.

A number of mature trees are located on and adjacent to the site.

### Relevant Planning History

21/00247/DEM - Notification for Prior Approval for demolition of single storey steel framed market buildings, single storey office buildings, livestock pens and fences – prior approval required and approved 03.06.2021.

21/00246/DEM - Notification for Prior Approval for demolition of 1no. dwelling and associated garage and outbuildings - prior approval required and approved 03.06.2021.

01870379 - Construction of livestock market car and lorry parks – permission 28.09.1987

### The Proposal

Full planning permission is sought for the erection of a building to accommodate a further education establishment for the training of young adults within the aviation and space industries. The proposed facility would be known as the Internal Air and Space Training Institute (IASTI) and would cater for approximately 350 students and 40 staff.

Access to IASTI would be taken from the Great North Road via an existing access which serves the Newark and Sherwood District Councils Offices as well an existing public carpark. The main entrance to the building would face towards Great North Road. It is intended the car park would be incorporated into the IASTI campus and would serve as the car park for the facility (albeit it would be open for use by the public at evenings and weekends). No alterations are proposed to the access. Other associated infrastructure would include a refuse area, substation and landscaping.



*3D Visuals of Proposed Building*

The proposed overall floorspace would be 3600m<sup>2</sup> over three floors (with a double height workshop/hangar at ground floor level to the rear). Within the workshop/hangar would be an aeroplane and a wing/canopy project from the glazed feature window. Modern methods of construction utilising a traditional and simple palette of materials (glass and brickwork) is proposed throughout.



*Extract from 1009\_A Proposed Site Plan and 3D Visuals of Proposed Building*

The following plans and documents have been submitted with the application:

- 0001 Existing Site Plan
- 1009\_B Proposed Site Plan
- 1024\_F Proposed Ground Floor Plan
- 1025\_E Proposed Second Floor Plan
- 1026\_E Proposed First Floor Plan
- 1027\_B Proposed Roof Plan OP2B
- 2000 Proposed Elevations (all)
- 2000 Proposed Elevations (SE)
- 2000 Proposed Elevations (NW)
- 2300 Proposed Elevations (SW)
- 2400 Proposed Elevations (NE)
- 4003 Rev A Site Section
- 4004 Rev A Great North Road Street View
- 92000-P01 Foul Water Drainage Layout
- 92001-P01 Surface Water Drainage Layout
- 92002-P01 Drainage Construction Details (Sheet 1)
- 92003-P01 Drainage Construction Details (Sheet 2)
- Design and Access Statement (Received 24.11.2021)
- Sequential Test (Received 24.11.2021)

- Flood Risk Assessment and Drainage Strategy (October 2021)
- Historic Impact Statement (Received 24.11.2021)
- Archaeological Desk-Based Assessment (October 2021)
- Transport Assessment Report (October 2021)
- Transport Plan Draft (August 2021)
- Ecology Report (September 2021)
- Phase 1 Pre-development Arboricultural Report (July 2021)
- Phase 1 Preliminary Risk assessment (August 2021)
- Site Investigation Report (Letter March 2021)
- Noise Impact Assessment (October 2021)
- Air Quality Assessment (October 2021)
- External Lighting Statement (October 2021)
- EXT01 Indicative External Lighting Philosophy (June 2021)
- Lighting Assessment (October 2021)
- Energy and Sustainability Statement (October 2021)
- Ventilation Statement (October 2021)
- Photographs and Photomontages
- Series of Maps by Curtis (Received 24.11.2021)
- Civil and Structural Stage 3 Report (25.01.2022)

#### Departure/Public Advertisement Procedure

Occupiers of 34 neighbouring properties have been individually notified by letter. A site notice was displayed near to the site on 02.12.21 and an advert has been placed in the local press on 09.12.21.

#### Planning Policy Framework

#### **The Development Plan**

#### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 6 – Infrastructure for Growth  
 Spatial Policy 7 - Sustainable Transport  
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities  
 Core Policy 6 – Shaping our Employment Profile  
 Core Policy 8 – Retail and Town Centres  
 Core Policy 9 -Sustainable Design  
 Core Policy 10 – Climate Change  
 Core Policy 12 – Biodiversity and Green Infrastructure  
 Core Policy 14 – Historic Environment  
 NAP1 – Newark Urban Area

#### **Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)**

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy  
 Policy DM3 - Developer Contributions

Policy DM4 - Renewable and Low Carbon Energy Generation  
Policy DM5 – Design  
Policy DM7 - Biodiversity and Green Infrastructure  
Policy DM9 - Protecting and Enhancing the Historic Environment  
Policy DM11 – Retail and Town Centre Uses  
Policy DM12 - Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework NPPF  
National Planning Practice Guidance PPG  
Historic England Good Practice Advice Notes (GPA2 and GPA3)  
Planning (Listed Buildings and Conservation Areas) Act 1990

### **Consultations**

**Newark Town Council** – No objection was raised to this application subject to an adequate Flood Risk Assessment being produced with satisfies both NCC and NSDC.

**Averham, Kelham and Staythorpe Parish Council** – no observations.

**Historic England** – no comment.

**Highways England** – no objection.

**Network Rail** – no objection in principle to the development subject to consideration of measures to relating to the safety pedestrians using Newark Castle Level Crossing and ensuring abnormal loads avoid routes that include Network Rail assets.

**Natural England** – no comments.

**Environment Agency** – standing advice applies.

**Severn Trent Water** - Foul is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse, which we have no comment.

**Nottinghamshire County Council (Lead Flood Risk Authority)** – no objections subject to a surface water condition.

**Nottinghamshire County Council (Highways Authority)** – no objection to the proposed development subject to conditions relating to measures to control parking.

**NSDC Planning Policy** – The International Air & Space Training Institute (IASTI) forms an integral part of the wider redevelopment proposals for the ‘Newark Gateway’ site. The proposal would support the local implementation of the Governments Towns Fund Initiative, and deliver a key priority project in the IASTI. I’m content that it has demonstrated the Sequential Test as passed, and that objectives relating to education provision and economic development within the Development Plan would also be supported. It is clear that the development would provide significant benefits from a social and economic perspective – and providing that you are satisfied that the detail, including in respect of its environmental impacts, of the scheme is acceptable then

the granting of approval would be consistent with the presumption in favour of Sustainable Development.

**NSDC Conservation** – no objection subject to conditions relating to materials.

**NSDC Archaeology Advisor** – If permission is granted, I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will initially include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.

**NSDC Environmental Health Officer(s)**–

*Reactive* – no issues with the noise report.

*Contaminated land* - no objection subject to imposition of full phased contamination condition.

*Air Quality* - I can concur with the findings of the air quality assessment and would expect the proposed mitigation to be employed to mitigate adverse dust emissions during construction.

**NSDC Tree Advisor** – no objection subject to conditions relating to tree protection and landscaping.

**NSDC Economic Growth Officer** – In early 2020 the project to deliver the International Air and Space Training Institute (IASTI) was initiated. Led by Lincoln College Group (LCG) and supported by the RAF, defence and civilian industry, this project will build on their success in delivering an Air and Defence College across three colleges in the East Midlands. The proposed erection of the educational establishment for the training of young adults within the aviation and space industries aligns closely with the Visions and Priorities from the Newark & Sherwood Economic Growth Strategy highlighting the upskilling of people into education or apprenticeships. The IASTI will create 428 new training opportunities, aligning with the Community and Newark Towns Plan for the creation of 600 additional FE places with 250 students being in residence. The job creation of 38 roles once completed plus the number employed during the build aligns with the Community and Town Investment Plan to create 3900 new jobs by 2050. The plan also responds to the LEP regional plan by providing a new pathway into a key growth sector to widen education participation.

The outputs and outcomes of the IASTI will have a multitude of positive impacts on Newark and the region in both the immediate and long terms. It will provide specialised skills training, develop an industry cluster, encourage exciting developments in the supply chain, and enhance the infrastructure of Newark. These benefits are broken down below:

*Output of the provision*

- Centralized education facilities under one roof within Newark town centre
- Enhanced education to employment routes
- Repurposing an underutilised brownfield site which will attract students, hotels, aviation industry and business incubation to the town

*Outcome of the provision*

- Redevelopment of a key brownfield site in the town centre

- Level 2 qualifications to at least 300 people (over a 15-year period)
- Level 3 qualifications to 1,600 people (over a 15-year period)
- 204 apprenticeships across IASTI and local industry (over a 15-year period)
- Degrees to 888 people (over a 15-year period)
- Creation of 38 new jobs

*Strategic alignment to the Newark Town Investment Plan:*

- Town Centre Regeneration and Culture: IASTI will contribute to creating a vibrant town centre through a centrally located skills facility which will enhance Newark's vitality by diversifying the reasons for visiting
- Skills, Education and Businesses: The project will contribute to the delivery of better learning and employment opportunities for all by establishing post-16 education pathways to aviation and space industries, allowing entry to different sectors, and providing a high-quality new learning facility based within Newark town centre

*Strategic alignment to the LEP / D2N2 regional plan*

The IASTI is Phase 1 of the Newark Gateway development, and as a part of the D2N2 Vision 2030, provides pathways into key growth sectors that would have otherwise been inaccessible to most people. By challenging previous delivery models and hosting the IASTI in a central location, the project can help tackle the inaccessibility of the sector – enhancing both economic inclusion and opportunity.

The IASTI will provide the aerospace industry with the skills it needs to continue its recent growth trajectory. Between 2011 and 2017, the economic output of the UK aerospace sector increased by 39%. Capturing this within Newark and the wider east midlands can ensure that D2N2 benefits from the sector's future growth and productivity uplift. Furthermore, as a part of the D2N2 Recovery and Growth Strategy the IASTI will provide significant investment into education infrastructure at a critical time – widening education participation to support Covid recovery by offering both training and retraining opportunities.

*Specialised skills developed by the IASTI*

- Engineering and computing
- Aviation and space related programmes including pilot skills, airfield operations, cyber, robotics, logistics, aviation engineering, software engineering and aerospace

*Pathways from education to employment*

The IASTI - strategically located in the Newark Gateway - would support the long term growth of the aviation and space sectors. Providing education opportunities for Newark's residents, attract new businesses and students to the town and enhance the town's vitality. The IASTI proposals will do much to anchor the existing Further and Higher Education (FE/HE) provision in the area. Given the current state of FE funding in England and Wales, many institutes are cutting back course provision because grant funding has been reduced. IASTI offers the opportunity to open up new revenue routes and to aggregate demand to make new and existing courses more economic.

Wider secondary benefits for Newark as a town include:

- Recruitment and retention of people locally filling military and civil aviation jobs in the area

- Attracting investment from training organisations and equipment suppliers
- Attracting investment through relocation of businesses to the region due to the supply of new people
- New start-ups to develop regional benefits associated with air and space sectors
- Cross-regional working in the Sector (e.g. The National Space Centre)
- Wider regional opportunities linking to initiatives such as the East Midlands Freeport

### *Clustering*

The project encompasses all types of training at all skills levels with multiple provider types – both educational and industry. This will pool labour and bring together a transformative partnership that links employer and industry training with all aspects and formats of the education system at all levels and capabilities, helping to form an industry cluster.

### *Supply Chain*

The Newark's Town Investment Plan proposes the creation of a new 'Smart Innovation, Supply Chain, and Logistics Zone' (SiSCLog), to provide on-site access to skills development, innovation and R&D. With the IASTI playing a major part in these developments to create an integrated cluster hub and business ecosystem. The skills and technology gained from this enhanced business ecosystem will subsequently boost productivity and produce a more efficient supply chain.

### *Concluding Thoughts*

The presence of the IASTI in Newark will represent an integral magnet for relevant sectors and their supply chains to form. Capturing these agglomeration benefits in Newark can drive COVID recovery, economic growth, and enhanced employment opportunities for residents. The benefits gained from the proposed development would be manifold and in this regard the Economic Growth team supports this proposal.

**No representations have been received from local residents/interested parties.**

### **Comments of Business Manager - Development**

#### Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the development plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The proposal site is located on a gateway site in Newark Urban Area which is the Sub-Regional Centre for the District, as defined under Spatial Policy 1 of the Amended Core Strategy. Newark Urban Area functions as a focus for housing and employment growth in Newark and Sherwood and the main location for investment for new services. The Gateway site is a key regeneration location within the Town Investment Plan (TIP) for Newark, which supports the local implementation of the Governments Towns Fund Initiative. Delivery of IASTI is identified as a



priority project within the TIP, and is central to realising its objectives around skills, education and business.

Through Policy DM1 support is provided for a range of development types appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the remainder of the Development Plan. The location of the proposed development within the Newark Urban Area would be consistent with the Spatial Strategy, indeed given the nature and ambition of the use it is the Sub-Regional Centre which would offer the most suitable location – given its role and function.

The site is not located within Newark Town Centre albeit is close enough so that linked trips to both the IASTI site and town centre would be achievable. As an education use (with ancillary café and office uses), the proposed development is not considered to represent a main town centre use in terms of the definition set out in the NPPF. As such, a town centre sequential test or impact assessment is not considered to be required in this instance.

IASTI would be an educational facility. Through Core Policy 8 in the Amended Core Strategy new community facilities will be encouraged, particularly where they address a deficiency in current provision and where they meet the identified needs of communities both within the District and beyond. IASTI seeks to offer education, training and practical experience relevant to, and in partnership with, the civil and military aviation and space industry. Under the leadership of Lincoln College Group, IASTI will offer Further Education and T Levels. Presently air and space training are not integrated into the formal education system, generally being delivered via private training or by the industry itself, post-education. IASTI will therefore offer an alternative route and assist in meeting community needs (both within and beyond the District) not currently catered for. As such, its provision would be a form of community facility that would benefit the local community and beyond in accordance with the aims of Spatial Policy 8.

Consequently, the principle of the IASTI development on this site is considered acceptable subject to an assessment of all other relevant considerations including site specific constraints and relevant aspects of national policy and the District's development plan. This assessment is set out below.

#### Impact on Visual Amenity including the Setting of Heritage Assets

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, including their setting and any architectural features they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, LPAs should take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering new development.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Historic Newark developed along the Trent River corridor, predominately located to the southeast of the river and there are a number of listed buildings in this area. The application site is located to the northwest of the river historically formed part of open fields. It is located on the Great North Road, a significant historic route and built on the grade II listed causeway culvert dating to 1770 designed by John Smeaton, which raises the Great North Road above any flood waters. The Great North Road is lined with lime trees, which were laid out by public subscription.

The site is located outside the conservation area on a very significant historic gateway into Newark. As a major historic gateway into Newark, as well as the significant Smeaton arches, there are key views towards significant historic buildings in Newark. These include:

- Grade II listed Goods warehouse 150 metres northeast of Castle Station
- Grade II listed Castle Railway Station
- Grade I listed and Scheduled monument remains of Newark Castle
- Grade I listed Church of St Mary Magdalene

Due to the topography of the area and the alignment of the Great North Road from the northwest, views of the Church of St Mary Magdalene and the warehouse begins from the other side of the A46, therefore taking in the proposed development site when travelling along Great North Road.

Until recently, the existing livestock building and mid-20th century house (Andreas) were located on the site and were considered to make a neutral contribution to the character of the area prior to their demolition. With the existing lorry park and railway line with associated buildings close by, this part of the Newark has a very industrial character both historic and modern. This is reflected in the scale of the buildings.

The specialist use and the installation of a training aircraft located within the building has influenced the overall design of the building. The supporting information states that the building design has been influenced by different elements of the aircraft industry, both historic and modern. The south and east elevation being influence by hangers. The west elevation has been influenced by the 'ribbon' of windows seen on a passenger aircraft. The roof form reflects the stacking of aircraft tail fins. This design approach results in very different elevations. The east and south elevation with large areas of glazing and the west elevation are more solid with smaller ribbons of windows. This creates a more subtle elevation when viewing the proposal site from the west, allowing the building not to dominate views when entering Newark along the Great North Road.

The proposed building would be a three storey linear building with a saw-tooth roof form. The resultant saw-tooth roof form is not unusual in Newark and can be seen on industrial and manufacturing buildings of varying scales. Proposed site plans show that the building would be set in line with the rear of the Council building. Having the building well set back from the road helps to minimise impacts on significant views along the Great North Road. The building is of a similar scale of the neighbouring Castle House, albeit slightly higher (as shown in the street view extract below). The submission outlines the use of brick (light grey, sandy brick) and zinc roof. The location is an important gateway to Newark it is important to create a statement and on this basis, the Conservation Officer raises no objection to the design approach proposed. However, it is recommended that the brick choice is a warmer tone of colour to reflect the Castle and Newark Castle train station rather than the grey/buff shown in the supporting information. This is a matter which can be dealt with by planning condition.



*Extract from 4004 Rev A Great North Road Street View*

A Heritage Impact Assessment has been submitted with the application which considers the impact of the development on individual buildings, concluding the proposals are 'unlikely to impact on the significance of any heritage assets or their permanence; with several assets remaining completely unaffected by the proposals due to their location within the existing urban grain with other development between them and the proposed site'. A series of long range views have also been provided to help demonstrate this including a view from Great North Road (as show in the Extract below).



*Extract from Historic Impact Statement - Long Range View 3 View South along Great North Road*

The proposed building would be modern in its design and appearance and would form a key landmark building on entry into Newark. The proposed development is located beyond the historic limits of the town which has previously been developed and subject to conditions I do not consider the proposed development to be harmful to the character or appearance of the nearby Conservation Area or the setting of any listed buildings in accordance with CP14 and CP9 of the Core Strategy and Policies DM5 and DM9 of the DPD.

#### Impact on Highway and Railway Safety and Parking

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

#### *Highways*

Access into the site would be via the existing site access, which serves Castle House off Great North Road. The existing car park to the front of the site would remain albeit would no longer be a public car park (except during evenings and weekends) and would be for the use of IASTI staff and visitors.

The site is considered to be a sustainable location for the nature of the use proposed with good public transport options including regular bus services and close proximity to the train station. There are also a number of local cycle routes offering connectivity to the local cycle network.

A Transport Assessment (TA) has been submitted with the application. A review of the trip generation associated with the development suggests the traffic generated by the facility will be relatively modest with only 18 car movements in the peak hour. It is considered unlikely that this level of traffic will result in any significant or severe capacity issues on the local highway network.

The Highways Officer raises no objection to the development subject to conditions including that a scheme to prevent errant parking on the Great North Road adjacent to the site is provided. This is

because the transport assessment suggests that no parking will be provided for students on site and the following reasons:

*'...the newly adopted Nottinghamshire Highway Design Guide suggests a minimum of 1 space per 15 students should be provided. Based on a role of 350 students this would require at least 23 spaces. With no provision on site for student parking we have concerns that the development will result in errant parking on the adjacent highway, in particular on the Great North Road between the development site and the A46 roundabout. Given that this road is one of the primary routes into Newark Town Centre from the A46 and beyond, this raises significant concerns with regard to the potential impacts this may have on the free flow of traffic into the Town Centre and associated highway safety issues'*

The applicant responded to these comments to state that *'many of the students on site will be either too young to drive, or unlikely to own vehicles as the college intake is primarily aimed at 16 and 17 year old school leavers. In accordance with Lincoln College policy, students will not be permitted to bring vehicles on to the site, which is why no student car parking is proposed. This policy operates successfully at other Lincoln College sites. Following minor amendments to its layout to introduce barrier control at the access and egress points the car park will provide a total of 52 car parking spaces. 22 spaces are required to meet NCC parking standards for college staff and visitor parking. A surplus provision of 30 car parking spaces will therefore be available in this car park during normal college operating hours, which exceeds the student parking requirement of 23 spaces. The College does not anticipate that any errant student parking will occur on Great North Road however, the availability of spare parking capacity within the car park fronting Great North Road means it will be possible to monitor parking activity and use the spare capacity if necessary to prevent any problems on Great North Road'*.

Notwithstanding this, the Highways Officer remains of the view that some of the students are of an age where they will be able to drive and if they cannot park on campus they may attempt to seek out an area of unrestricted free parking close to the college, and this could be on the Great North Road. As such, a condition to agree a scheme to prevent errant parking is recommended on this basis.

In addition, a further condition to control the use of the proposed development car park is also recommended. Whilst the Transport Assessment demonstrates that there is adequate parking capacity within the Town Centre to cope with the loss of this parking, given that this car park has previously been available for public use, the Highways Officer is keen to ensure that members of the public do not attempt to use the car park when visiting the adjacent Council Offices, not realizing the change of its status. To ensure this does not happen the condition would seek to ensure that the car park would be clearly signed and demarcated as private. Furthermore, the proposed car park would be one-way with barriers provided at the car park entrance and exit points. The provision of cycle parking/storage is also encouraged travel by means other than the private car and the provision of this would be required by condition.

### *Railway Level Crossing*

The IASTI building would be close to the Newark Castle Railway Crossing on Great North Road and would result in an increase of vehicular and pedestrian traffic. In terms of increased vehicular use of the level crossing the forecast flows are low. The maximum development traffic impact in any peak hour is 1.2%, equivalent to an extra 6 cars passing over the level crossing. An increase of this magnitude is unlikely to be noticeable in practice.

In terms of pedestrian and cyclist trip movements the daily two-way development flows are 153 pedestrian movements and 9 cycle movements. Giving a daily two-way total of 163 combined

pedestrian / cycle movements. Over a 12 hour day it is expected that the existing two-way use to be higher than the demand forecast from IASTI.

Network Rail have confirmed that their aspirations to make improvements here going forward and whilst not prerequisite of the development, wished to ask the developer if they would consider a contribution towards pedestrian stop signals. Such a contribution would need to be secured by S106 Agreement. However based on the evidence available such a contribution would not meet the tests of requiring a S106 Agreement (as set out in [The Community Infrastructure Levy Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk)). Network Rail have confirmed they do not wish to pursue a requirement for contributions on this basis and it is not considered that the proposed development would result in any adverse railway safety impacts.

They have however requested that Level Crossing safety literature is included in any welcome packs provided to students and staff at the new facility. This requirement would be advised by an informative note to the applicant.

In relation to abnormal loads and construction traffic, Network Rail have requested that construction traffic and abnormal load in particular should avoid Newark Castle Level Crossing. A construction method Statement to include lorry routing details is recommended on this basis.

Highways England raise no objection to the application having given full consideration to the impacts upon the A46 roundabout. The County Highways Officer and Network Rail raise no objection to the application subject to conditions. It is not therefore considered that the proposed development would result in any adverse highway or railway safety issues subject to conditions in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

#### Impact on Flood Risk and Drainage

Policy DM5 and Core Policy 9 require that proposals pro-actively manage surface water and Core Policy 10 seeks to mitigate the impacts of climate change through ensuring that new development proposals taking into account the need to reduce the causes and impacts of climate change and flood risk. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site is located within Flood Zone 2 and is therefore a site at risk of flooding (medium probability), defined in the NPPF as land having an annual probability of river/tidal flooding of between 1 in 100 (1%) and 1 in 1000 (0.1%). A Flood Risk Assessment has been submitted with the application.

In this instance, the local planning authorities must apply the Sequential Test for specific development proposals and, if needed, the Exception Test for specific development proposals, to steer development to areas with the lowest probability of flooding.

#### *The Sequential Test*

As defined in the NPPF the purpose of the Sequential Test is to ensure that a sequential approach is followed steering development to areas with the lowest probability of flooding. As a starting point the intention should be to steer development to Flood Zone 1, where there are no reasonably available sites in Flood Zone 1, local planning authorities should take into account the

flood vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test as required.

A sequential test has been submitted with the application. This follows engagement with Planning Policy colleagues to agree the sources of potential alternative locations including the sequential search area. It was agreed suitable to limit application of the test to the Newark Urban Area. The locational requirements of the use refer to proximity to public transport links and the Town Centre. The conclusion reached is that having examined site allocations (employment and mixed use), extant planning consents, Strategic Housing and Employment Land Availability Assessment submissions and land within and around Newark currently being marketed for sale – there are no sequentially preferable sites suitable for the proposed development. Planning Policy colleagues and I concur with this conclusion. The only additional site which could be considered are other parts of the Gateway land, this is however at the same level of flood risk as the application site – or at greater risk once climate change allowances are applied – and so no better in flood risk terms.

It is noted that for the purposes of the Test, the applicant has disaggregated the IASTI from the remainder of the emerging Newark Gateway proposals. Whilst there appears to be overlap between the range of emerging uses proposed for the wider Gateway site, the IASTI is at a much more advanced stage – with permission now being sought in advance of the rest of the land. Given the potential for the mix of uses across the remainder of the site to change prior to the seeking of their consent, then I do not consider undertaking the Test on an aggregated basis to be suitable (at this stage).

Even had there been a sequentially preferable location elsewhere, capable of meeting the requirements of the proposal (on either an aggregated or disaggregated basis) then it still remains the case that the redevelopment of the Gateway Sites is a key objective in the local implementation of the Towns Fund Initiative, which the IASTI will be central to realising. This is clearly a material consideration, and there is an imperative to see the site successfully redeveloped – an outcome that the development potentially occurring elsewhere would be inconsistent with. Having reached the conclusion that the Test has been passed in the widest sense, it is then necessary to apply it at site-level, where the location of the most flood sensitive uses in those areas of least risk would be sought.

The EA mapping shows the site to uniformly sit inside within Flood Zone 2, however through the update to the Strategic Flood Risk Assessment (2016) climate change modelling was undertaken - with 20%, 30% and 50% allowances applied to the Q100 (1 in 100 year event). Whilst the site was flood free in the baseline Q100 model, when the allowances were applied this did result in increased risk – I note that the modelling the applicant's FRA has drawn on shows a similar picture here. My reading of the SFRA update's climate change modelling is that the most flood sensitive element of the scheme, the IASTI building itself, is proposed to be located in the area of the site which has been modelled to be at least risk. It is also important, in line with guidance, that the Sequential Test takes account of flooding from other sources, not just fluvial. In terms of Surface Water flooding the EA mapping shows the greatest risk to be in the south of the site – where the existing car park is located. The car park is proposed for retention and represents a less flood sensitive use than the IASTI building itself – resulting in a sequentially appropriate disposition of uses within the application site.

Based on the above I am satisfied that the Sequential Test has been passed – both in broad terms and at site-level.

## Impact on Flood Risk

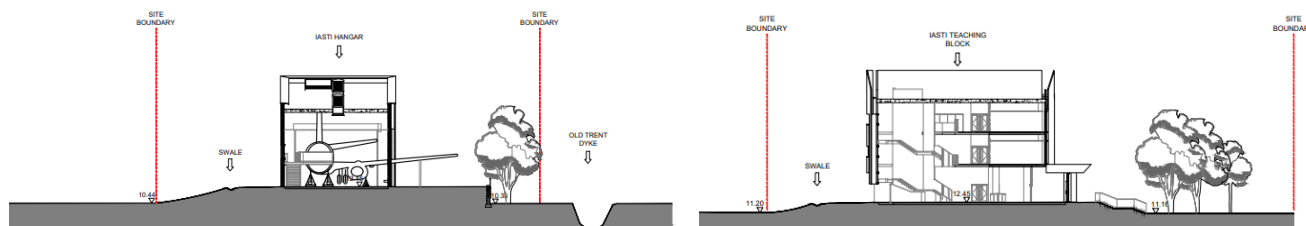
Whilst in sequential terms officers are satisfied that the site proposed is the one that can best deliver IASTI, it is also necessary for the submitted flood risk assessment to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposed use is 'less-vulnerable' which means that development can be appropriate and the exception text is not required subject to the application of Environment Agency Standing Advice in this regard which includes a consideration of matters relating to floor levels, access/evacuation and surface water management.

A Flood Risk Assessment and Drainage Strategy (FRA) have been submitted with the application. This concludes that 'IASTI site specific flood mitigation proposals have been developed based on the outcomes of the flood modelling which allow the building and its occupants to be flood safe over its intended lifecycle, and with the proposed level raising, access and egress will remain possible when the river is in full flood'. I am aware that this modelling has not yet been approved by the Environment Agency albeit they have commented to state that standing advice applies.

This FRA proposes that the ground floor level of the proposed IASTI building will be set at 12.45 mAOD which gives a 300 mm freeboard above the modelled (average pre and post development) 1 in 100 year plus climate change flood level of the River Trent of 12.15 mAOD. The FRA advises that this would ensure that the site as developed would be at all round low flood risk. It is recommended that a condition be imposed to ensure development is undertaken with the mitigation measures set out in the submitted FRA, including finished floor levels.

As this is the first development plot upon the potential site wide redevelopment, surrounding external landscaping levels have been set with retaining walls and slopes to tie in with existing levels as illustrated in the site sections below.



*Extract from Proposed Site Sections 4003 Rev A Site Sections*

In relation to access and evacuation, according to Standing Advice, it is only necessary to provide details of emergency escape plans for any parts of a building that are below the estimated floor level. With the proposed flood risk mitigation and resulting low all round flood risk to the IASTI building and surround external areas, it is proposed that there would be safe access and egress at all times should a flood event occur elsewhere in the area. However, I am also aware that the modelling has not yet been approved by the EA. In a worst case scenario, proposed floor levels may not be above the estimated floor level. To mitigate this risk, I consider it necessary to impose a condition requiring the submission of a flood warning and evacuation plan.

The outline drainage strategy also confirms the redevelopment will not increase flood risk to the site or others. The new development proposal would incorporate attenuation features to store the surface water runoff onsite prior to discharging into Old Trent Dike at a control rate through the use of a flow control chamber. The intension would be to re-use the existing outfall and flat value



subject to a condition survey to be undertaken onsite. The proposed foul water network will discharge to the public sewage system under Great North Road.

Whilst a detailed drainage design has been submitted during the lifetime of the application, the Lead Local Flood Authority have not commented at the time of writing this report to confirm that the submitted details are acceptable as proposed. As such, it is recommended that a condition requiring more detailed drainage plans is imposed.

Overall, subject to conditions, the application is considered to be acceptable in accordance with the requirements of Policy DM5 and Core Policy 10.

### Impact on Contaminated Land

Policy DM10 of the DPD also states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. A Phase 1 Preliminary Risk Assessment has been submitted with the application. This document includes an environmental screening report, an assessment of potential contaminant sources, a brief history of the site's previous uses (scrap yard and industrial buildings) and established an appropriate conceptual site model. The report concludes with a series of recommendations including a scope of intrusive investigations/targeted soil sampling and ground gas monitoring to be carried out. The Environmental Health Officer raises no objection to the proposed development subject to a condition requiring a full contaminated land survey including remediation scheme in accordance with the recommendations set out in this assessment. This would ensure the site is suitable for its new use in accordance with the requirements of Policy DM10 of the DPD.

### Impact on Ecology Including Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. The NPPF advises that development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

A Tree Survey has been submitted with the application. The most important moderate quality class 'B' trees are located along the site frontage, adjacent Great North Road. These trees would be retained in the proposed development and considered to be significant landscape features on the approach into Newark on Great North Road. The rest of the trees within/immediately adjacent to the application site are low quality class 'C' trees or considered unsuitable for retention class 'U'. The small group of class 'C' tree located behind the former dwelling located on the site (Andreas) are proposed for removal. The Tree Officer raises no objection to their loss since they are small and less significant trees that can be readily replaced with new planting as part of development. Coppicing of the class U trees is recommend. It is recommended that this tree planting and a landscape scheme be secured by planning condition. This scheme would also include biodiversity enhancements/net gain to the site.

An Ecology Report has been submitted with the application. This includes consideration of the impact of the proposed development upon bats, water vole and otter (given the sites location adjacent to the Old Trent Dyke). No adverse impact upon protected species has been identified subject to a number of recommended mitigation measure which include:

- the provision of 2m high timber hoarding to top of bank during construction;

- the provision of bird and bat boxes in trees and on the roof of the proposed building.

It is recommended that a condition requiring a Biodiversity/Landscape Environmental Management Plan (LEMP) incorporating these biodiversity measures be required by planning condition.

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

#### Impact on Residential Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

The nearest residential properties are located on the opposite side of Great North Road – as a consequence it is not considered that any adverse overbearing or loss of privacy impacts would result. The application site is located in a mixed-use area. Noise, Lighting and Air Quality Assessments have been submitted with the application. The Environmental Health Officer(s) raise no objection to the application based on the findings and recommendations set out with these reports which include mitigation to reduce dust emissions during the construction phase. It is recommended that a Construction Method Statement be required by planning condition to ensure suitable measures are put in place to ensure no adverse amenity impacts during construction.

Having carefully assessed the scheme I am satisfied that the proposal would not result in any significant or unacceptable detrimental impacts upon the amenity of nearby dwellings in accordance with the Policy DM5 of the DPD.

#### Impact on Archaeology

Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk based assessment.

An Archaeological Desk-Based Assessment has been submitted with the application. The site lies in an area of high archaeological potential associated with Roman, medieval and Civil War activity. A borehole survey of the entire Cattlemarket site undertaken in 2015, shows disturbance adjacent to the railway line but further away the sequence seems pretty well intact with archaeological potential for features both cut into (possibly medieval and later), and sealed by (maybe Roman or earlier), the alluvium layer. The HER notes an undated enclosure and pits immediately to the west of the Great North Road, level with the site and extending to the roundabout.

The area around the site also contains the remains of numerous Civil War fortifications, many of which are recorded as Scheduled Monuments due to their national significance. While the larger fortifications are thought to be well mapped, there is still potential to encounter evidence for smaller more ephemeral Civil War sites within the site boundary. Such remains would be considered of National significance. There is also potential to encounter Upper Palaeolithic deposits such as those identified at Farndon Fields to the south of the site. If present these may be considered of national importance.

However, use of the land as a Cattle Market in the 20th and 21st century may have resulted in some disturbance and truncation of archaeological finds. Further evaluation of the site is recommended to establish the presence/absence of any archaeological remains and the level of existing truncation. On this basis, the Archaeology Officer raises no objection to the application subject to conditions requiring archaeological evaluation to inform a programme of mitigation work (if necessary) prior to the commencement of development, in accordance with Policies CP14 and DM9.

## Other Matters

### *Economic/Social Benefits*

The scheme sits at the heart of the Town Investment Plan (TIP) which aims to transform Newark's economic growth prospects with a focus on improved transport, heritage, skills and culture – with a range of site specific interventions identified, including the IASTI. Part of the educational pillar to the TIP, which the IASTI is integral to, is to turn Newark into a local, national and international learning destination of choice in key sectors (supporting residents to fulfil learning and earning potential and to enhance social mobility). It is anticipated that achieving a high level of graduate retention and return will mean that local employers can access a highly qualified and work ready workforce. The strategy will assist to help prepare a workforce to meet the challenges of local employers and attracting investment into identified sectors to enable economic growth and prosperity for Newark and the surrounding area. Accordingly there are strong social and economic benefits associated with the scheme, two of the key components of sustainable development. These benefits are further detailed by the Economic Development Officer which are set out in full in the 'Consultations' section above.

The social and economic benefits also align with objectives in the Development Plan. Provision of employment opportunities to a local workforce equipped with a wide range of skills from improved education being a key part of its vision. Whilst improving the education and skills base and enabling higher attainment is a strategic objective. This translates through into policy content within Core Policy 6 which seeks to strengthen and broaden the District's economy, with raising workforce skill levels, improving employability and supporting economic development associated with these sources.

## Conclusion

As a site located within Newark Urban Area, the principle of development on this site is considered acceptable. The site is considered to be a sustainable location for the nature of the use proposed with good public transport options. IASTI would provide social and economic benefits to Newark and the wider area. The proposed building would be modern in its design and appearance and would form a key landmark building on entry into Newark. The application is not considered to result in any unacceptable impacts upon the setting of heritage assets, archaeology, highway safety, flood risk, trees, ecology or visual amenity, subject to conditions. Overall, it is considered that the proposed development would represent sustainable development and complies with the Development Plan (the Adopted Amended Core Strategy DPD and Allocations and Development Management DPD) and all other material planning considerations.

## **RECOMMENDATION**

**That planning permission is granted subject to the following conditions:**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with Drawing Numbers:

- 1009\_B Proposed Site Plan
- 1024\_F Proposed Ground Floor Plan
- 1025\_E Proposed Second Floor Plan
- 1026\_E Proposed First Floor Plan
- 1027\_B Proposed Roof Plan OP2B
- 2000 Proposed Elevations (all)
- 2000 Proposed Elevations (SE)
- 2000 Proposed Elevations (NW)
- 2300 Proposed Elevations (SW)
- 2400 Proposed Elevations (NE)
- 4003 Rev A Site Section
- 4004 Rev A Great North Road Street View

Reason: So as to define this permission.

03

Notwithstanding the submitted details, prior to the commencement of development, samples of the materials, including sample panels, identified below shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Bricks;
- Roof membrane;
- Any other facing materials.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby Listed Buildings and character and appearance of the adjacent Conservation.

04

Prior to the commencement of development, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 unless otherwise agreed in writing by the Local Planning Authority have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

- External windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Rainwater goods;
- Meter Boxes;
- Flues;
- Soil/vent pipes;
- Any other external accretion.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby Listed Buildings and character and appearance of the adjacent Conservation Area.

05

Prior to first use of the development hereby approved, full details of both hard and soft landscape works (which follows the recommendations set out in Paragraphs 5.3-5.5 and 5.9 of the Ecology Survey (by BSG Ecology Sept 2021)) shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities;

car parking and driveway circulation layout and materials;

other vehicle and pedestrian access and circulation areas;

bins;

means of enclosure;

boundary treatments;

minor artefacts and structures (for example, street furniture, signs, lighting etc.);

retaining walls and ramps;

levels;

hard surfacing materials.

Reason: In the interests of visual amenity and in order to preserve the setting of nearby heritage assets.

06

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of seven years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained in the interests of visual amenity and in order to preserve the setting of nearby heritage assets.

07

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: To ensure that existing trees to be retained are protected, in the interests of visual amenity and nature conservation.

08

During the construction period the following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site.
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that existing trees to be retained are protected, in the interests of visual amenity and nature conservation.

09

Unless otherwise agreed by the Local Planning Authority, development must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

#### **Part A: Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **Part B: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### **Part C: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### **Part D: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10

No site clearance works including shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to September inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

11

Prior to the occupation of the building hereby permitted, a Biodiversity/Landscape Environmental Management Plan (LEMP) as recommended in Paragraph 5.6 - 5.7 of the Ecology Survey (by BSG Ecology Sept 2021) shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- a) purpose, aims and objectives of the scheme;
- b) a review of the site's ecological potential and any constraints;
- c) description of target habitats and range of species appropriate for the site;
- d) selection of appropriate strategies for creating/restoring target habitats or introducing target species. This shall include but not be limited to the provision of bird and bat boxes;
- e) selection of specific techniques and practices for establishing vegetation;



- f) sources of habitat materials (e.g. plant stock) or species individuals;
- g) method statement for site preparation and establishment of target features;
- h) extent and location of proposed works;
- i) aftercare and long term management;
- j) the personnel responsible for the work;
- k) timing of the works;
- l) monitoring.

All habitat creation and/or restoration works shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of enhancing biodiversity.

12

Precautionary measures including the erection of a solid timber hoarding at the top of the bank adjacent to Old Trent Dyke shall be implemented and maintained throughout the construction period unless otherwise agreed in writing by the local planning authority as set out in Paragraphs 3.21, 3.25 and 4.2 – 4.4 of the Ecology Survey (by BSG Ecology Sept 2021) and shown on Drawing No. 1009\_B Proposed Site Plan.

Reason: In order to ensure protected species are not harmed during works.

13

Notwithstanding the submitted details, no development shall commence on site until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:

- Details of construction access
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of oils, fuels, chemicals, plant and materials used in constructing the development
- The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing
- Wheel-wash washing facilities and road-cleaning arrangements
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from site preparation and construction works
- Measures for the protection of the natural environment
- Hours of work on site, including deliveries and removal of materials
- Full details of any piling technique to be employed, if relevant
- Location of temporary buildings and associated generators, compounds, structures and enclosures, and
- Routing of construction/abnormal load traffic to avoid the level crossing adjacent to Newark Castle Train Station.

Reason: In the interests of residential amenity.

14

Prior to the occupation of the building hereby permitted, details of any external lighting shall first be submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution (including minimising light spillage into the adjacent watercourse in accordance with Paragraph 4.7 of the Ecology Survey by BSG Ecology Sept 2021). The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and biodiversity.

15

A Flood Warning and Evacuation Plan shall be submitted to and agreed in writing with the Local Planning Authority, and implemented prior to first occupation of the development hereby permitted. The development shall be carried out in accordance with this approved plan. The plan should include provisions for signing up to the Environment Agency's Flood Warning Service for early warning of potential flood events, details of how information would be disseminated and how occupants would be evacuated.

Reason: To safeguard against the risk of flooding.

16

No part of the development shall commence until a scheme to prevent errant parking on the Great North Road adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved scheme.

Reason: In the interest of Highway Safety and to maintain the free flow of traffic on the public highway immediately adjacent to the development.

17

No part of the development shall be brought into use until measures to control use of the proposed development car park have been implemented in accordance with details first submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of Highway Safety, to ensure that adequate off-street parking provision is maintained to reduce the possibilities of the proposed development leading to on-street parking in the area.

18

Part 1

No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

19

## Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains.

20

## Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site.

21

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for parking of cycles in accordance with details submitted to and approved in writing by the Local Planning Authority. The cycle stands shall be located near to the main entrance to the development, be covered and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interest of promoting sustainable travel.

22

Notwithstanding the submitted details, no development shall be commenced until details of the means of foul drainage and surface water disposal in line with the recommendations set out in Paragraph 11.2 of the Flood Risk Assessment and Drainage Strategy (by Curtons 27/10/2021) have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

23

The building hereby permitted shall be constructed in accordance with the proposed ground floor level set at 12.45 mAOD in accordance with Paragraph 5.7 of the Flood Risk Assessment and Drainage Strategy (by Curtons 27/10/2021).

Reason: In the interests of reducing flood risk.

#### Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

04

With respect to the above archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email [Matthew.Adams@lincolnshire.gov.uk](mailto:Matthew.Adams@lincolnshire.gov.uk) to discuss the requirements and request preparation of a brief for the works. It is recommended the resulting written schemes of investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

05

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

06

With reference to Condition 16 – it is likely that an amendment to existing Traffic Regulation Orders or the creation of a new Traffic Regulation Order may be required to control parking. This Order can be made on your behalf by Nottinghamshire County Councils agents Via East Midlands.

Revision or amendment of existing Traffic Regulation Orders, or the making of a new Traffic Regulation Order, will be the subject of a separate statutory process which sits outside the planning process, and can take several months to implement. To ensure your program is not comprised you are advised to start this process as soon as possible. Please contact: Via East Midlands at the following e-mail address: [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) at your earliest convenience to discuss the works. Please note all works associated with new or amended TRO's are undertaken at the applicants expense.

07

You are reminded that deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

08

Network Rail has requested that Level Crossing safety literature is included in any welcome packs provided to students and staff at the new facility. They can provide leaflets upon request or alternatively, the information is available online at <http://lxresource.co.uk/campaigns/distraction-campaign>

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on ext 5793.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**

**Business Manager – Planning Development**

Committee Plan - 21/02484/FULM

